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Munck Butrus P.C.
PO Drawer 800889
Dallas, Texas 75380

In re Application of
Moles et al.
Application No. 09/992,818
Filed: Nov. 14, 2001

: DECISION GRANTING LETTER

This decision is in response to Applicant's 'GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT" filed on December 11, 2006 requesting that the USPTO review the PTA determination at the time of the mailing of the notice of allowance.

Applicant's letter concerning PTA is **GRANTED-IN PART.** The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect a determination of **694 days** of PTA. A copy of the adjusted PTA calculation is provided with this determination.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicant requests review of the PTA determination but did not provide any assert any specific reason for the discrepancy. Applicants find the following periods: 1) 640 days pursuant to 37 CFR 1.702(a)(1); 2) 34 days under 37 CFR 1.702(a)(2). Applicants assert that reduction periods should be two days under 37 CFR 1.702(b) and 5 days under 37 CFR 1.702(b) for the March 6, 2006 submission.

Applicants conclusions are persuasive to the extent herein indicated. The USPTO determination of 640 days is correct and not disputed by applicant. In addition, the Office agrees with applicants assertion that 34 days of Office delay occurred for the Office non-final rejection mailed June 21, 2005. The Office had assessed 44 days due to the clerical error of inputting the date of response by applicants as January 8, 2005 rather than the correct date of January 18, 2005.[1] In addition, the Office did fail to respond to applicants amendment of January 25, 2006 within four months.[2] Accordingly, the Office fail to meet the requirement of 37 CFR 1.702(a)(2) by a period of twenty-five (25) days.

As for applicants' delays, the USPTO reduction of two days is accurate. As for the five days asserted by applicants, the USPTO asserts that the applicant did respond within three months because applicants filed an amendment on January 25, 2006 that placed the application in condition for allowance. Accordingly there was no five day reduction under 37 CFR 1.704(b). In addition, the Office agrees with applicants assessment of a three day delay for the submission

[1]Accordingly, the reduction began on May 19, 2005, day after four month response of 1/18/2005 and ended on June 21, 2005, a 34 day delay.

[2]The reduction began on May 25, 2005 and ended on June 19, 2006.

on January 18, 2005.[3] Accordingly, the correct amount of PTA at the time of the mailing of the notice of allowance is 694 (644+34+25-2-3=694) days.

The USPTO acknowledges that any delays pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be added at the time of the issuance of the patent and will be reflected in the PTA determination provided to applicant in the issue notification letter.

After the mailing of this decision, the Office will forward this application to the Office of Publications for a prompt issuance of the patent.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

[3]The reduction began on January 16, 2005 and ended on January 18, 2005, a three-day delay.

Day : Thursday
Date: 3/22/2007

PALM INTRANET

Time: 10:27:46

PTA Calculations for Application: 09/992818			
Application Filing Date:	11/14/2001	PTO Delay (PTO):	709
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	2
Post-Issue Petitions:	0	Total PTA (days):	694
PTO Delay Adjustment:	-13		

File Contents History

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28	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
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9	08/19/2004	CASE DOCKETED TO EXAMINER IN GAU			
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6	01/14/2003	CASE DOCKETED TO EXAMINER IN GAU			
5	12/12/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	12/06/2001	APPLICATION DISPATCHED FROM OIPE			
3	12/05/2001	CORRESPONDENCE ADDRESS CHANGE			
2	11/29/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

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